

Remarks

Applicant's attorney thanks Examiner Henry for the courtesy she extended during the recent telephone conversations concerning this application. At her suggestion we are filing this response after having presented it to her in a proposed version.

Specification

Paragraphs [0039], [0053] and [0057] have been amended to make more clear that Applicant is not referring to "pleats" in the sense as taught by the Helen Joseph-Armstrong's "Pattern Making for Fashion Design" reference cited by the Examiner, but as a "bunched" section of fabric intended to allow Applicant's front and rear panels to be seamed together along a peripherally-extending seam. Use of the term "bunched" finds antecedent basis in paragraph [0053].

Claims

Claims 1-30 are pending in the application. In an effort to clarify Applicant's previously submitted arguments, Applicant proposes to cancel these claims and substitute therefor new Claims 31-62, as attached.

Claim Rejection – 35 USC 103

Original Claims 1-23, 27 and 28 were rejected under 35 USC 103(a) in view of Herzberg (US 3,105,970) in view of Helen Joseph-Armstrong's "Pattern Making for Fashion Design" (pp. 226-227, 217). This rejection was repeated in the final rejection.

In an attempt to clarify Applicant's arguments for patentability, new independent claims 31, 43 and 55 have been substituted for original Claims 1, 13 and 24.

In particular, the Examiner has argued that the *Herzberg* reference does not teach having front and rear panels with different lengths but otherwise describes Applicant's invention. The Examiner then turns to the *Joseph-Armstrong* reference to illustrate a sewing technique for forming pleats by extending or lengthening a panel and folding the panel to form the pleats, thus

returning the panel to its original size and states it would be obvious to modify *Herzberg* to arrive at Applicant's invention.

The new claims and these remarks more clearly characterize the invention as a scarf that, by seaming together a front panel and a rear panel, with the front panel being larger than the rear panel, creates an insulating air chamber.

The new claims attempt to clarify to the Examiner that Applicant is not returning the front panel to its "original size". Indeed, the formation of Applicant's air chamber depends upon the front and rear panels being of different sizes. What Applicant has done is to bunch the front panel at its edges so that the peripheral edges of the front and rear panels can be seamed together, retaining the excess front panel material to form the air chamber.

In particular, new claims 35, 46 and 58 now recite that it is the peripheral edges of the front and rear panels that are substantially congruent after the front panel edge has been bunched. As the Examiner points out, *Herzberg* does not teach front and rear panels of different sizes. In fact, *Herzberg* neither shows nor suggests anything other than a scarf made from plies that are identical in size and shape, requiring no bunching to make a peripheral seam joining the plies together.

Our understanding of the manner in which the Examiner has applied *Joseph-Armstrong* is the teaching of pleat-making on a pattern panel by extending the panel to make it larger and folding it to form pleats that extend across the panel from one peripheral edge to the other, resulting in a pleated panel that is the same size as the original panel.

We contend that, if the garment of *Joseph-Armstrong* were seamed about its entire periphery (as taught by *Herzberg*), it would close off the sleeves, collar and bottom, making it unable to be worn. If the scarf of *Herzberg* were pleated (as taught by *Joseph-Armstrong*) it would have a front pleated panel identical in size to the unpleated front panel. Neither combination results in the creation of an air chamber.

Applicant respectfully contends that there is no teaching in either *Herzberg* or *Joseph-*

Armstrong to teach or suggest Applicant's construction. Instead, any combination of these two references to produce a scarf would, we contend, result in a scarf having a front panel with pleats that is the same size and shape as the rear panel, a construction which differs from that of Applicant.

New claims 31-62 are appended. Applicant respectfully contends that the application, with new claims 31-62 is in condition for allowance and passage to allowance is respectfully requested.

Should the Examiner have any remaining questions, please telephone the undersigned directly.

This paper is being transmitted to the United States Patent Office by email transmission, addressed to Richale A. Haney at Richale.Haney@USPTO.GOV on 27 October 2006.

Respectfully submitted,

A handwritten signature in black ink that reads "Jerry A. Schulman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jerry A. Schulman
Registration No. 27,834

Law Offices of Jerry A. Schulman
Terrace Executive Center, Court C
1 S. 376 Summit Avenue
Oakbrook Terrace, Illinois 60181

Telephone: (630)627-4552
Facsimile: (630)627-2145
schulmanlaw@ameritech.net